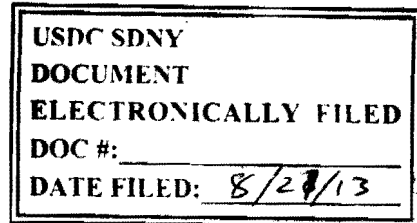


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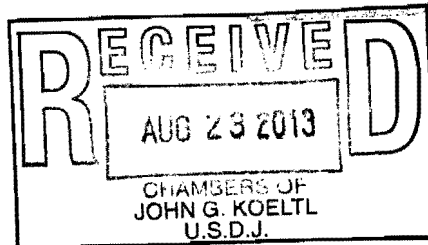
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August 22, 2013



By Hand Delivery

The Honorable John G. Koeltl
United States District Court
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *In re: Bernard L. Madoff Investment Securities LLC*, No. 13 CV 935 (JGK)

Dear Judge Koeltl:

We are counsel to Irving H. Picard, Trustee (the "Trustee") for the substantively consolidated SIPA liquidation proceedings of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff, appellee in the above-referenced appeal.

On August 14, 2013, the appellants herein filed (i) a Motion to Enlarge Time to File Appellants' Brief, and (ii) Appellant Martin M. Surabian's Brief. On August 21, 2013, this Court extended the appellants' time to file their opening brief until August 30, 2013 and established a briefing schedule for the appeal (the "Scheduling Order").

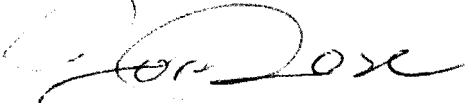
We write to confirm that the Scheduling Order also applies to Appellant Martin M. Surabian's brief. In this brief, Steven Surabian seeks, on behalf of his deceased father, to set aside the Bankruptcy Court's order denying the motion to remove the Trustee because the decision below included a reference to Martin Surabian despite the fact that he was not one of the original movants. Setting aside the fact that such an inclusion is, at most, harmless error given that, subsequent to the entry of the order, Martin Surabian passed away, the Trustee believes that it is appropriate to address all of the issues raised by the Appellants in one pleading as opposed to responding in a piecemeal fashion.

Thus, the Trustee respectfully requests that this Court confirm that the Trustee is authorized to file one appellee brief, addressing all issues raised by the Appellants, on or before September 27, 2013.

August 22, 2013
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If the Court has any questions, please do not hesitate to have a member of Your Honor's staff contact the undersigned.

Respectfully submitted,



Jorian Rose

Cc: Nate Kelley (SIPC)
Mr. Steven Surabian (by overnight mail)
Mr. Richard Surabian (by overnight mail)

Appellee may file one
brief addressing all
issues raised by
the Appellants.

So ordered.

8/26/13

SO ORDERED:



HON. PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE